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10/593,585	09/21/2006	Ian C. Kegel	36-2020	1487
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EXAMINER				
WILCOX, JAMES J				
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2169				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,585

Applicant(s)

KEGEL ET AL.

Examiner

JAMES J. WILCOX

Art Unit

2169

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. The Amendment filed 08/26/2010 has been received and entered. Application Claims 1 and 3-10 are pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 3-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
4. With respect to independent claims 1 and 8, the claim recites the following limitation "ii) persistent storage means storing a plurality of media file metadata items, one or more other media file metadata items, whose metadata is about a media file whose content has been judged by a human to be semantically-related to the content of the first media file." The Examiner cannot find support in the specification for content that has been judged by a human to be semantically-related to the content of the first media file. Claims 3-7 are similarly rejected based on dependency of claim 1 and claims 9-10 are similarly rejected based on dependency of claim 8. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein et al (US Patent No: 6,728,726 B1) hereinafter "Bernstein," in view of Sheth et al (US Patent No: 6,311,194) hereinafter "Sheth," in view of Bernstein (US Patent No: 5,884,316 A) hereinafter "Bernstein ('316).

With respect to claim 1, Bernstein discloses "Computer apparatus having:

i) one or more data processors; (Column 6, Lines 23-24, one or more processing units as its processor)

ii) persistent storage means connectable to said one or more data processors, said persistent storage means storing a plurality of media file metadata items, one or more of said media file metadata items containing reference(s) to one or more other media file metadata items; (Column 13, Lines 42-44, the prefetched objects, attributes, and structures may be held in various persistent memory areas; Column 6, Lines 23-24, one or more processing units as its processor)

ii) volatile memory means, connectable to said one or more data processors, for storing one or more of said media file metadata items; (Column 6, Lines 23-24, one or

more processing units as its processor)

iv) querying code executable by said one or more data processors to pass a query to said database management system software; (Column 6, Lines 23-24, one or more processing units as its processor; Column 9, Lines 31-35, the data storage system implements the Microsoft Repository application programming interface (API), the function used to query the data storage system is the "ExecuteQuery" function)

v) pre-fetching code executable by said one or more data processors to: (Column 6, Lines 23-24, one or more processing units as its processor; Column 8, Lines 16-32, the set of relevant object data varies depending on the prefetch strategies employed. The prefetch strategy fetches attribute data for each object in an object structure based on the attribute accessed in the first accessed object in the object structure)

Bernstein does not explicitly disclose "whose metadata is about a media file whose content has been judged by a human to be semantically-related to the content of the first media file nor a) analyze response media file metadata items provided in response to said query to find said reference(s) to one or more other media file metadata items semantically related media file metadata items related to said response media file metadata items, nor and b) use said reference(s) to automatically generate another query for said related media file metadata items," (Column 9, Lines 35-41, the data storage system uses the Microsoft Repository API, the predefined query that retrieves objects that are instances of a particular class or instances of any class that supports a given interface)."

However, Sheth discloses "in Column 13, Line 38, a media file."

Sheth discloses "in Column 7, Lines 1-4 & 58-65, Metadata: Data, Information or Assets described by additional data about them, termed metadata. Metadata specific tag, value or text as on a web page, in HTML, or in a database by itself constitutes its syntax only. Semantic Web: the concept that Web-accessible content can be organized semantically, rather than through syntactic and structural methods. Semantic Search: Allowing users to use semantics, including domain specific attributes, in formulating and specifying search and utilizing context and other semantic information in processing search request." The Semantic Search was interpreted by the Examiner to mean content being judged by a human to be semantically related to the content of the first media file."

Sheth discloses "in Column 1, Lines 17-21, the invention relates to a system and method for semantically classifying data. The invention relates to a WorldModel to semantically classify data."

Sheth discloses "in Column 13, Lines 52-54, one very powerful method to query such a metabase is through a method called Blended Semantic Browsing and Querying (BSBQ)."

Sheth discloses "in Column 13, Line 67 and Column 14, Line 1, upon submitting the query, the form input is translated into three or four different types of queries."

Sheth discloses "in Column 7, Lines 52-53, analysis of syntax and structure can also lead to semantics."

Bernstein and Sheth are analogous art because they are from the same field of endeavor involving content management.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein and Sheth before him or her, to modify the teachings of Bernstein by adding a semantic search as taught by Sheth. The motivation for doing so would enable a user to formulate and specify searching and utilizing context and other semantic information in processing a search request. The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein with Sheth to obtain the invention as specified in the instant claim(s).

Bernstein and Sheth do not explicitly disclose " iii) database management system software executable by said one or more data processors to respond to a query by passing media file metadata items meeting one or more criteria specified in said query from said persistent storage means to said volatile memory means."

However, Bernstein ('316) discloses "to make a persistent object accessible to programs, it must be loaded into volatile memory, meaning it must be copied from persistent to volatile storage and translated into a format appropriate for program access (Column 3, Lines 54-57).

Bernstein, Sheth, and Bernstein ('316) are analogous art because they are from the same field of endeavor involving content management.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein, Sheth, and Bernstein ('316) before him or her, to modify the teachings of Bernstein and Sheth by adding a method to copy an object from persistent to volatile storage as taught by Bernstein ('316). The motivation

for doing so would enable a user to make persistent objects accessible to programs.

The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein and Sheth with Bernstein ('316) to obtain the invention as specified in the instant claim(s).

With respect to claim 3, the combination of Bernstein, Sheth, and Bernstein ('316) discloses "Computer apparatus according to claim 1 comprising a client computer and a server computer, each having at least one of said processors, (Bernstein, Column 6, Lines 23-24, one or more processing units as its processor; Column 7, Line 8, client, server)

said server computer having control over said persistent memory (Bernstein, Column 7, Line 8, data storage system is the server, Column 10, Line 21, memory can be persistent such as a disk) and said client computer having control over said volatile memory. (Bernstein, Column 13, Lines 42-44, the prefetched objects, attributes, and structures may be held in various persistent memory areas, Column 10, Lines 16 & 20-21, stored in the memory of the client, the memory can be non-persistent (RAM))

With respect to claim 7, the combination of Bernstein, Sheth, and Bernstein ('316) discloses "Computer apparatus according to claim 1 wherein said media file metadata items are software objects," (Bernstein, Column 14, Lines 20-21, Microsoft's COM (Component Object Model) is an example of a software component model).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein, Sheth, and Bernstein '316 as applied to claims 1, 3, and 7 above, further in view of Zwiegincew et al (US Patent No: 6,633,968 B2) hereinafter "Zwiegincew."

With respect to claim 4, the combination of Bernstein, Sheth, Bernstein ('316) do not explicitly disclose "Computer apparatus according to claim 3 wherein said media file metadata items are transferred in the form of pages of memory."

However, Zwiegincew discloses "in Figure 3, Item 316, transfer copies of memory pages in RAM."

Bernstein, Sheth, Bernstein ('316) and Zwiegincew are analogous art because they are from the same field of endeavor involving content management.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein, Sheth, Bernstein('316) and Zwiegincew before him or her, to modify the teachings of Bernstein, Sheth, Bernstein ('316) by adding a method for transferring copies of memory pages in RAM as taught by Zwiegincew. The motivation for doing so would enable a user to set up page tables entries to reflect new memory page in RAM (Figure 3, Item 318) . The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein,

Sheth, and Bernstein ('316) with Zwiegincew to obtain the invention as specified in the instant claim(s).

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein, Sheth, and Bernstein '316, as applied to claims 1, 3, and 7 above, further in view of Mangat et al (US Patent No: 6,049,799 A) hereinafter "Mangat."

With respect to claim 5, the combination of Bernstein, Sheth, and Bernstein ('316) do not explicitly disclose "Computer apparatus according to claim 3 in which said server computer resolves said query and sends the selected media file metadata items to said client computer.

However, Mangat discloses in FIG 2, that the client contains a query resolver."

Bernstein, Sheth, Bernstein ('316), and Mangat are analogous art because they are from the same field of endeavor involving content management.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein, Sheth, and Bernstein ('316) and Mangat before him or her, to modify the teachings of Bernstein, Sheth, and Bernstein ('316) by adding a client that contains a query resolver as taught by Mangat. The motivation for doing so would enable a user to resolving a query related to an object. The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein, Sheth, and Bernstein ('316), with Mangat to obtain the invention as specified in the instant claim(s).

With respect to claim 6, the combination of Bernstein, Sheth, and Bernstein ('316) do not explicitly disclose "Computer apparatus according to claim 3 in which said server computer sends said media file metadata items to said client computer and said client computer resolves said query.

However, Mangat discloses in FIG 2, that the client contains a query resolver."

Bernstein, Sheth, Bernstein ('316), and Mangat are analogous art because they are from the same field of endeavor involving prefetching.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein, Sheth, Bernstein('316) and Mangat before him or her, to modify the teachings of Bernstein, Sheth, and Bernstein ('316), by adding a client that contains a query resolver as taught by Mangat. The motivation for doing so would enable a user to resolving a query related to an object. The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein, Sheth, and Bernstein ('316), with Mangat to obtain the invention as specified in the instant claim(s).

7. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein, Sheth, and Bernstein '316, as applied to claims 1, 3, and 7 above, further in view of Ali et al (US Patent No: 5,896,506 A) hereinafter "Ali."

With respect to claim 8, Bernstein discloses "A method of operating computer

apparatus comprising a processor and first and second data stores accessible to said processor, (Column 6, Lines 23-24, one or more processing units as its processor)

access by said processor to data held in said first store being quicker than access to said second store, (Column 6, Lines 23-24, one or more processing units as its processor. It is obvious to those skilled in the art that one processor could have a faster speed than another and could access one faster than the other)

said method comprising the steps of:

storing a plurality of media file metadata items in said second data store, (Column 15, Lines 26-30, prefetching and caching has been described in terms of an object database or repository, that other means of storing persistent objects can be readily substituted).

Bernstein does not explicitly disclose "together with relationship data comprising reference(s) to one or more related media file metadata items whose metadata is about a media file whose content has been judged by a human to be semantically related to said media file metadata item; and executing a process on said processor to: i). fetch one or more media file metadata items from said second store together with said relationship data including said reference(s) to one or more related media file metadata items semantically related to said fetched data item."

However, Sheth discloses "in Column 13, Line 38, a media file."

Sheth discloses "in Column 7, Lines 1-4 & 58-65, Metadata: Data, Information or Assets described by additional data about them, termed metadata. Metadata specific tag, value or text as on a web page, in HTML, or in a database by itself constitutes its

syntax only. Semantic Web: the concept that Web-accessible content can be organized semantically, rather than through syntactic and structural methods. Semantic Search: Allowing users to use semantics, including domain specific attributes, in formulating and specifying search and utilizing context and other semantic information in processing search request." The Semantic Search was interpreted by the Examiner to mean content being judged by a human to be semantically related to the content of the first media file."

Sheth discloses "in Column 1, Lines 17-21, the invention relates to a system and method for semantically classifying data. The invention relates to a WorldModel to semantically classify data."

Sheth discloses "in Column 13, Lines 52-54, one very powerful method to query such a metabase is through a method called Blended Semantic Browsing and Querying (BSBQ)."

Sheth discloses "in Column 13, Line 67 and Column 14, Line 1, upon submitting the query, the form input is translated into three or four different types of queries."

Bernstein and Sheth are analogous art because they are from the same field of endeavor involving content management.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein and Sheth before him or her, to modify the teachings of Bernstein by adding a semantic search as taught by Sheth. The motivation for doing so would enable a user to formulate and specify searching and utilizing context and other semantic information in processing a search request. The cited

additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein with Sheth to obtain the invention as specified in the instant claim(s).

Bernstein and Sheth do not explicitly disclose "ii) responsive to receipt of said relationship data, use said reference(s) to fetch one or more of said semantically related media file metadata items from said second memory to said first memory."

However, Bernstein ('316) discloses "to make a persistent object accessible to programs, it must be loaded into volatile memory, meaning it must be copied from persistent to volatile storage and translated into a format appropriate for program access (Column 3, Lines 54-57).

Bernstein, Sheth, and Bernstein ('316) are analogous art because they are from the same field of endeavor involving caching.

At the time of invention, it would have been obvious to one of ordinary skill to in the art, having the teachings of Bernstein, Sheth, and Bernstein ('316) before him or her, to modify the teachings of Bernstein and Sheth by adding a method to copy an object from persistent to volatile storage as taught by Bernstein ('316). The motivation for doing so would enable a user to make persistent objects accessible to programs. The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein and Sheth with Bernstein ('316) to obtain the invention as specified in the instant claim(s).

Bernstein, Sheth, and Bernstein ('316) do not explicitly disclose "a) analyze

response media file metadata items provided in response to said query to find related media file metadata items related to said response media file metadata items nor iii) check, on subsequent requests for a data item, whether said requested data item is present in said first store and read said data item from said first store if found."

However, Ali discloses "in FIG. 2A a check is done to see if the object is stored in the cache server. Then the cache server sends a copy of the object is found (which was interpreted as a read). Sheth discloses the type of data which is media file metadata.

Bernstein, Sheth, Bernstein ('316) and Ali are analogous art because they are from the same field of endeavor involving caching.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein, Sheth, and Bernstein ('316), before him or her, to modify the teachings of Bernstein, Sheth, and Bernstein ('316), by adding a check to see if the object is stored in the cache server and then the cache server sends a copy of the object if found as taught by Ali. The motivation for doing so would enable a user to request retrieval of an object which can later be sent from the object server to the requesting client if the object is stored in the cache server. The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein, Sheth, and Bernstein ('316), with Ali to obtain the invention as specified in the instant claim(s).

With respect to claim 10, the combination of Bernstein, Sheth, Bernstein ('316),

and Ali discloses "A method according to claim 8 in which said second store holds a database," (Bernstein, Column 6, Lines 40-42, data storage system is an object oriented database providing persistent storage of objects in various types and classes).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein, Sheth, Bernstein '316, and Ali as applied to claims 1, 3, and 7 above, further in view of Porter et al (Pub. No: US 2002/0099737 A1) hereinafter "Porter."

With respect to claim 9, the combination of Bernstein, Sheth, Bernstein ('316) and Ali do not explicitly disclose "A method according to claim 8 in which said media file metadata items comprise an identifier of a media file and metadata representing what is portrayed by said identified media file.

However, Porter discloses "original metadata associated with media on a computer network includes analyzing each field of the URL of the media. Each field is analyzed to identify new metadata associated with each field. Identified new metadata is added to the original metadata," ([0009]).

Porter discloses "sources of metadata include media files," ([0026])

Porter also discloses "media metadata based on a variety of semantic data fields," ([0074]).

Porter discloses in ([0025]-[0026]), identifiers associated with metadata which comprises a media file."

Bernstein, Sheth, Bernstein ('316), Ali and Porter are analogous art because they

are from the same field of endeavor involving metadata.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Bernstein, Sheth, Bernstein ('316) and Porter before him or her, to modify the teachings of Bernstein, Sheth, Bernstein ('316), and Ali by adding a metadata associated with media and identified by an identifier as taught by Porter. The motivation for doing so would enable a user to use metadata related to media files. The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Bernstein, Sheth, Bernstein ('316), Ali with Porter to obtain the invention as specified in the instant claim(s).

Response to Arguments

9. Applicant's arguments with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. WILCOX whose telephone number is (571)270-3774. The examiner can normally be reached on Days: M-H Times: 8:30 AM -7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571)272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJW (November 1, 2010)

/Greta L. Robinson/
Primary Examiner, Art Unit 2169